

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

UNITES STATES OF AMERICA

PLAINTIFF

V.

NO. 3:05-CV-00150

LARRY THOMAS and ROSIE LEE THOMAS

DEFENDANTS

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT

Before the Court is a motion filed by Defendants Larry and Rosie Lee Thomas and entitled “Motion for Relief from Judgment Pursuant to Rule 60 Federal Rules of Civil Procedure; Motion for Contempt; and Motion to Quash Writ of Assistance. The motion is denied.

BACKGROUND

The United States filed its Complaint in this case on June 30, 2005. Therein, the United States sought to foreclose liens on farm equipment pledged by Defendants to secure payment of promissory notes held by the United States of America, Farm Service Agency. On October 11, 2005, the district court action was stayed due to the Defendants’ filing of a Chapter 13 bankruptcy petition. On March 23, 2007, the United States moved to reopen the case because the bankruptcy case had been dismissed. The case was reopened.

On October 31, 2007, the Court granted the United States’s motion for summary judgment, over the objection of Defendants.¹ By Judgment entered the same day, the Court

¹ Docket No. 23.

directed Defendants to surrender and deliver possession of the farming equipment described therein to the United States.²

Plaintiffs appealed the Order and Judgment to the Eighth Circuit Court of Appeals. Before the Eighth Circuit could rule on the appeal, Defendants filed in this Court a motion to quash writ of assistance and for other relief³. In that motion the Defendants also challenged this Court's jurisdiction and raised the issue of the effect of the "*Pigford* lawsuit" (the same lawsuit referenced in its present motion). The Court denied the motion.⁴ Defendants appealed that Order. Defendants thereafter filed a motion for contempt,⁵ which this Court also denied.⁶ Defendants then filed another motion to quash application for writ of assistance, to dismiss and for reconsideration.⁷ The Court denied any relief.⁸ Defendants appealed that Order.

On May 22, 2009, the Eighth Circuit denied Defendants' appeal of the adverse grant of summary judgment as well as their appeals of this Court's denials of their other post-judgment motions.⁹

² Docket No. 24.

³ Doc. No. 41.

⁴ Doc. No. 42.

⁵ Docket No. 50.

⁶ Docket No. 53.

⁷ Docket No. 55.

⁸ Docket No. 56.

⁹ Docket No. 63.

DISCUSSION

Defendants have failed to demonstrate that they are entitled to any post-judgment relief pursuant to Fed. R. Civ. P. 60. Most of the issues they cite have already been raised and resolved adversely to them in this action. If they were not raised, there appears to be no justification for not raising the issues previously. Finally, Defendants have failed to present any meritorious legal or factual basis to justify any of the relief requested in the present motion.

IT IS THEREFORE ORDERED that all relief requested by Defendants in their Motion for Relief from Judgment pursuant to Rule 60, Motion for Contempt, Motion to Quash Writ of Assistance (Docket No. 67) be and it is hereby, DENIED.

IT IS SO ORDERED this 24th day of August, 2009.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE